

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDCITION
CIVIL APPLICATION NO.13 OF 2007
IN
CIVIL APPLICATION NO.188 OF 2006
IN
CIVIL APPLCIATION NO. 256 OF 2005
IN
FAMILY COURT APPEAL NO.1 OF 2004

Atulchandra Madhukar Kulkarni .. *Applicant*
(Orig. Respondent)

Versus

Hema Atulchandra Kulkarni .. *Respondent*
(Orig. Appellant)

Ms. Seema Sarnaik advocate for the applicant

Ms. Anjali Helekar advocate for the Respondent

CORAM : D.G. DESHPANDE,
& S.R. SATHE, JJ.
DATED : 23rd JANUARY, 2007

P.C.:-

1. This is an application for seeking time to deposit a sum of Rs. 1,40,000/- on or before 20/03/2007 because all the amount is invested by the husband in UTI i.e. ULIP which matures on 10/03/2007.

2. When we heard this application, learned Advocate Ms. Seema Sarnaik contended that the amount of Rs. 7

lakhs deposited by the husband should not be paid over to the wife because there are earlier order to that effect. She further contended that wife is suffering from schizophrenia and therefore the earlier orders were passed by the Court. According to her, all amount should be transferred to Family Court and it should be invested as per the earlier order.

On the other hand, the advocate for the wife contended that firstly wife is not suffering from schizophrenia and even it is so that, it is not a legal disability on her part and she can look after and manage her own affairs and therefore, wife should be permitted to withdraw Rs. 3 lakhs for the time being which in any case will come to her share.

The present application is for extension of time to pay or deposit Rs. 1,40,000/- but Ms. Seema Sarnaik as stated above has raised a new point and therefore we are required to decide the same. In our considered opinion, merely because the wife is schizophrenic, she can not be deprived her right to maintain herself and look after her as well as her minor son. Putting the entire amount of Rs. 7 lakhs in investment would certainly cause inconvenience and

financial crunch for the wife.

Therefore we pass the following order :-

Husband to deposit Rs. 85,939/- within 8 days in this Court.

Liberty is granted to the husband to deposit Rs.1,40,000/- on or before 20/03/2007. No further extension will be granted in this regard on any count to the husband. The amount of Rs. 7 lakhs deposited in this Court should be transferred to the Family Court, Pune. Out of this, wife will be permitted to withdraw Rs. 3 lakhs.

(D.G. DESHPANDE, J.)

(S.R. SATHE, J.)